

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Cleveland McNair

Docket No. 5:16-CR-12-8D

Petition for Action on Supervised Release

COMES NOW Linwood E. King, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Cleveland McNair, who, upon an earlier plea of guilty to Conspiracy to Participate in Racketeering Activity and Conspiracy to Distribute and Possess with Intent to Distribute 28 Grams or More of Cocaine Base (Crack) and a Quantity of Cocaine, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on May 8, 2018, to the custody of the Bureau of Prisons for a term of 60 months. On November 25, 2019, as a result of a Rule 35 Motion, the defendant's term of imprisonment was reduced to 36 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Cleveland McNair was released from custody on November 26, 2019, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 19, 2021, McNair submitted a urine specimen which returned positive for the use of marijuana. The defendant is currently participating in our district's Surprise Urinalysis Program, and he was referred for participation in substance abuse treatment sessions through First Step Services, Raleigh, North Carolina. This officer has encouraged the defendant to explore available treatment options to gain significant abstinence skills for combatting his relapse with illegal drug use. To address this recent non-compliant behavior, and to motivate McNair's consideration of better life decisions, we are recommending that the defendant participate in a cognitive behavioral program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Julie W. Rosa

Julie W. Rosa

Supervising U.S. Probation Officer

/s/ Linwood E. King

Linwood E. King

U.S. Probation Officer

310 New Bern Avenue, Room 610

Raleigh, NC 27601-1441

Phone: 919-861-8682

Executed On: October 27, 2021

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ORDER OF THE COURT

Considered and ordered this 1 day of November, 2021, and ordered filed and made a part of the records in the above case.

J. Dever
James C. Dever III
U.S. District Judge